

REMARKS

This amendment is responsive to the non-final office action mailed from the U.S. Patent and Trademark Office on January 3, 2007.

Claims 1-5, 8-17, 19-37, 39-50, 54-63, and 66-87 stand rejected. Claims 1-2, 4, 9, 12-13, 20, 26-27, 30, 34, 36-37, 40-50, 56-57, 59-60, 70-71, and 84-87 have been amended. Claims 3, 8, 35, 39, 58, and 62 have been canceled. The Applicant respectfully requests reconsideration in view of the foregoing amendments. No new matter has been added.

Substance of Interview

The Applicant thanks the Examiner for his helpful comments during a telephonic interview with the undersigned and the inventor on March 28, 2007. The interview on March 28, 2007 included a discussion of claims 1 and 12 in view of the cited prior art (U.S. Patent 5,920,700 (Gordon et al.)). The interview included a discussion of the step of "comparing the propagation priority of the selected viewing asset against a sum of one or more retention values corresponding to a set of the one or more viewing assets stored on the target video server."

Miscellaneous Claim Amendments

Claims 2, 4, 9, 12-13, 27, 57, 59-60, and 70-71 have been amended for proper antecedent basis. No new matter has been added.

Claim Rejections – 35 U.S.C. § 101

The Office Action rejected claims 34-37 and 39-50 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 34, 36-37, and 40-50 have been amended as suggested by the Examiner to overcome this rejection. Claims 35 and 39 are now canceled. Applicant believes that this rejection is now moot.

Claim Rejections – 35 U.S.C. § 103

The Office Action rejected claims 1-2, 4-5, 9-17, 19, 30-34, 36-37, 40-46, 54-57, 59-61, 63, 67-68, and 70-78 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,920,700 ("Gordon et al"). The Office Action also rejected claims 3, 8, 20-29, 35, 39, 47-50, 58, 62, 66

and 69 under 35 U.S.C. § 103(a) as being unpatentable over Gordon et al and in view of U.S. Patent 6,473,902 ("Noritomi").

Claim 1 has been amended to clarify that the recited process of propagating viewing assets to a system of video servers comprises, in part, the steps of “generating a propagation priority for a selected viewing asset that comprises a set of asset elements, each asset element of the set comprising a segment of multimedia data; generating a set of element deletion lists, each element deletion list identifying a set of asset element replicas that comprise a set of asset replicas presently stored on the target video server and capable of being removed from the target video server as a group, each element deletion list being associated with a sum of retention values associated with the corresponding set of asset replicas; selecting one or more element deletion lists having a data size at least as large as a data size of one or more asset elements of the selected viewing asset; and comparing the propagation priority of the selected viewing asset against the sum of retention values associated with the one or more selected element deletion lists.” Claim 20, 26, 30, 56, and 84-87 are similarly amended. Support for these amendments can be found at least in FIGS. 5A-10 and in the specification as originally filed on page 16, line 13 through page 24, line 24.

Nowhere does Gordon et al or Noritomi teach or suggest at least the steps of, or structure for, “generating a set of element deletion lists, each element deletion list identifying a set of asset element replicas that comprise a set of asset replicas presently stored on the target video server and capable of being removed from the target video server as a group, each element deletion list being associated with a sum of retention values associated with the corresponding set of asset replicas; selecting one or more element deletion lists having a data size at least as large as a data size of one or more asset elements of the selected viewing asset; comparing the propagation priority of the selected viewing asset against the sum of retention values associated with the one or more selected element deletion lists; and copying the one or more asset elements of the selected viewing asset to the target video server in response to determining that the propagation priority of the selected viewing asset exceeds the sum of retention values of the one or more selected element deletion lists” as now recited in claim 1 and similarly recited in claims 20, 26, 30, 56, and 84-87 respectively.

For at least this reason, claims 1, 20, 26, 30, 56 and 84-87 as now amended are neither anticipated nor made obvious by the cited art of record and are thus believed to be patentable.

Furthermore, by virtue of at least their dependency from claims 1, 20, 26, 30, 56 and 84-87 respectively, and the additional features recited therein, claims 2, 4-5, 9-17, 19, 21-25, 27-29, 31-34, 36-37, 40-50, 54-55, 57, 59-61, 63, 66-83 are also believed to be patentable.

CONCLUSION

Applicant's discussion of particular positions of the Examiner does not constitute a concession with respect to any positions that are not expressly contested by the Applicant. Applicant's emphasis of particular reasons why the claims are patentable does not imply that there are not other sufficient reasons why the claims are patentable.

In view of the foregoing remarks and the inability of the prior art, alone or in combination, to anticipate, suggest or make obvious the subject matter as a whole of the invention disclosed and claimed in this application, all the claims are submitted to be in a condition for allowance, and notice thereof is respectfully requested. If the examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,



Christopher E. Everett
PTO Reg. 51,659
Attorney for the Applicant
Proskauer Rose LLP
One International Place
Boston, MA 02110

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Tel. (617) 526-9437
Fax (617) 526-9899